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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,691	12/02/2003	Shoichi Ibaraki	00862.023345.	1987
5514 7590 08/27/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER SUTHAR, RISHI S	
			ART UNIT 2862	PAPER NUMBER
			MAIL DATE 08/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/724,691

Applicant(s)

IBARAKI ET AL.

Examiner

Rishi Suthar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 10-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20040318.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: JP 4-320228 w/abstract.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I (claims 1-9) in the reply filed on 25 June 2007 is acknowledged. The traversal is on the ground(s) that substantially the same search would be performed. This is not found persuasive because the applicant has not shown how the search area of Group I would encompass the search area of Group II. The examiner notes that the first group is directed toward a camera device, while the second group is directed toward a cable accommodating apparatus. The claim limitations present in the first group are not present in the second group, and the claim limitations present in the second group are not present in the first group. Therefore, these two groups would require a different search.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Igwe (US 3,782,671).

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Igwe teaches in Figs. 1 and 2 a pan head apparatus comprising: a head unit (20) where a camera can be mounted; a base unit (84) having a stationary portion, a rotating mechanism (114), and a rotary portion (88) which is rotated with respect to said stationary portion by said rotating mechanism; and a connecting member (at 16) which pivotally connects said head unit and said rotary portion of said base unit, wherein when said head unit and said base unit are pivoted by said connecting member, a state wherein said head unit and said base unit are placed substantially flat side by side (as shown in Fig. 1) and a state wherein said head unit is upright with respect to said base unit can be assumed (not shown; this position can be assumed when the knob 82 is turned, causing the head unit 14 to be upright with respect to the base unit); further comprising a camera unit (not shown) pivotally mounted on said head unit, wherein a state wherein said base unit, said head unit, and said camera unit are placed substantially flat side by side can be assumed (not shown in drawings; this arrangement can be assumed when a camera is mounted and knob 82 is rotated); wherein in said base unit, part of said stationary portion forms a rotation center shaft portion of said rotary portion (on element 84, at axis of 94); wherein a tripod attaching portion is formed on said rotation center shaft portion (see col. 1, lines 40-46).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igwe in view of Ueda et al. ("Ueda", US 4,530,580).

Igwe teaches the invention as claimed above as well as a round disk-like cap member (104) fixed to said rotation shaft center portion and exposed to an upper surface of said base unit, but does not expressly disclose an operation switch or a shutter release button. Ueda disclose a camera supporting apparatus where an operation switch or shutter member (26d) is movably arranged on a portion of the support (on a head unit 31 or on cap member 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a operation switch or shutter release button as taught by Ueda in the invention of Igwe since this would allow the camera operator to remotely activate the shutter of the camera without exerting a force on the camera itself, which may lead to a misalignment of the camera with respect to the desired photographing subject.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Igwe in view of Korling (US 4,341,452).

Igwe teaches the invention as claimed above as well said rotary portion forms an upper surface (at 98) of said base unit and a round disk-like cap member (104) fixed to said rotation center shaft portion and exposed to the upper surface of said base unit to cover part of said rotary portion. Igwe, however, does not expressly disclose a scale to show a rotation amount. Korling discloses a camera support where a scale is shown on

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two relatively rotating members of the support (see Fig. 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide scales, as taught by Brown, in the invention of Korling, to achieve the desirable result of being able to set up the support quickly for repeated arrangements and for accurate positioning (see col. 4, lines 41 to 44).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Igwe in view of Tanaka (JP 4-320228).

Igwe teaches the invention as claimed above, but as well as a gearing system to transmit a rotational force to the rotary portion. Igwe does not disclose a motor to transmit a driving force arranged in the stationary portion. Tanaka discloses a pan-head apparatus comprising a head unit (at 23), a base unit (at 22) having a stationary portion with a motor and a transmitting mechanism to transmit the driving force of the motor to the rotary portion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a motor to drive the transmitting mechanism instead of the hand operated knobs in the invention of Igwe, as taught by Tanaka, since it is conventional to use motors instead of hand operated knobs since they require less effort by the operator to position the camera.

***Allowable Subject Matter***

8. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The primary reason for the indication of allowable subject matter is the limitation for a detector that detects that when the head unit is upright, rotation of the rotary portion of the rotating mechanism is permitted, in combination with the other claimed elements.

***Telephone Numbers***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rishi Suthar whose telephone number is 571-272-8456. The examiner can normally be reached on M-F 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rishi Suthar  
Examiner  
Art Unit 2862

William Perkey  
Primary Examiner

RS  
August 16, 2007